

By Ken Harbrough

H.B. No. 1781

A BILL TO BE ENTITLED

AN ACT

relating to the operation of the Texas Board of Plumbing and Mechanical Work and the regulation of plumbing and mechanical laws and programs by that board; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The Revised Statutes are amended by adding Title 132B to read as follows:

TITLE 132B. TEXAS BOARD OF PLUMBING AND MECHANICAL WORK

Art. 9150. TEXAS BOARD OF PLUMBING AND MECHANICAL WORK

Sec. 1. DEFINITION. In this article, "board" means the Texas Board of Plumbing and Mechanical Work.

Sec. 2. BOARD. (a) The Texas Board of Plumbing and Mechanical Work consists of:

(1) one member who has not less than 10 years' practical experience as a master plumber;

(2) one member who has not less than five years' practical experience as a journeyman plumber;

(3) one member who has not less than five years' experience as a plumbing contractor;

(4) one member who is a licensed sanitary engineer;

(5) one member who is a building contractor who has not less than five years' contracting experience and who must be principally engaged in home building;

(6) one member who is a building contractor who has

1 not less than five years' contracting experience and who must be
2 principally engaged in commercial building;

3 (7) one member who has not less than five years'
4 practical experience as a plumbing inspector;

5 (8) one member who is a licensed air conditioning and
6 refrigeration contractor;

7 (9) one member who is a licensed irrigator;

8 (10) one member who is a licensed engineer who has
9 mechanical design experience;

10 (11) one member who owns or uses a boiler in this
11 state;

12 (12) one member who is a building official from a
13 municipality with a population of 250,000 or more; and

14 (13) three members who are representatives of the
15 general public, one of whom must be a person with a disability.

16 (b) Members of the board are appointed by the governor with
17 the advice and consent of the senate.

18 (c) Except as provided by Subsection (a)(13) of this
19 section, appointments to the board shall be made without regard to
20 the race, color, disability, sex, religion, age, or national origin
21 of the appointees.

22 Sec. 3. OFFICERS; MEETINGS; COMPENSATION. (a) The board
23 annually shall select a presiding officer, assistant presiding
24 officer, and secretary-treasurer.

25 (b) The board shall hold at least two regular meetings each
26 year, at which time an examination for a license under a law
27 administered by the board shall be offered. Additional meetings

1 may be held at the call of the presiding officer or at the written
2 request of three members of the board.

3 (c) A member of the board is entitled to a per diem as set
4 by the General Appropriations Act for each day the member engages
5 in the business of the board. A member may not receive
6 compensation for travel expenses, including expenses for meals and
7 lodging, other than transportation expenses as provided by the
8 General Appropriations Act.

9 Sec. 4. TERMS. (a) Members of the board are appointed for
10 staggered six-year terms, with three members' terms expiring on
11 February 1 of each odd-numbered year.

12 (b) A member appointed to fill a vacancy shall hold office
13 for the remainder of that term.

14 Sec. 5. PUBLIC MEMBERSHIP RESTRICTION. A person is not
15 eligible for appointment as a public member of the board if the
16 person or the person's spouse:

17 (1) is registered, certified, or licensed by an
18 occupational regulatory agency in the field of plumbing or
19 mechanical work;

20 (2) is employed by or participates in the management
21 of a business entity or other organization regulated by the board
22 or receiving funds from the board;

23 (3) owns or controls, directly or indirectly, more
24 than 10 percent interest in a business entity or other organization
25 regulated by the board or receiving funds from the board; or

26 (4) uses or receives a substantial amount of tangible
27 goods, services, or funds from the board, other than compensation

1 or reimbursement authorized by law for board membership,
2 attendance, or expenses.

3 Sec. 6. CONFLICT OF INTEREST RESTRICTIONS. (a) An officer,
4 employee, or paid consultant of a Texas trade association in the
5 field of plumbing or mechanical work may not be a member or
6 employee of the board who is exempt from the state's position
7 classification plan or is compensated at or above the amount
8 prescribed by the General Appropriations Act for step 1, salary
9 group 17, of the position classification salary schedule.

10 (b) A person who is the spouse of an officer, manager, or
11 paid consultant of a Texas trade association in the field of
12 plumbing or mechanical work may not be a board member and may not
13 be an employee of the board who is exempt from the state's position
14 classification plan or is compensated at or above the amount
15 prescribed by the General Appropriations Act for step 1, salary
16 group 17, of the position classification salary schedule.

17 (c) For the purposes of this section, a Texas trade
18 association is a nonprofit, cooperative, and voluntarily joined
19 association of business or professional competitors in this state
20 designed to assist its members and its industry or profession in
21 dealing with mutual business or professional problems and in
22 promoting their common interest.

23 Sec. 7. EFFECT OF LOBBYING ACTIVITY. A person may not serve
24 as a member of the board or act as the general counsel to the board
25 if the person is required to register as a lobbyist under Chapter
26 305, Government Code, because of the person's activities for
27 compensation on behalf of a profession related to the operation of

1 the board.

2 Sec. 8. GROUNDS FOR REMOVAL FROM BOARD. (a) It is a ground
3 for removal from the board if a member:

4 (1) does not have at the time of appointment the
5 qualifications required by Section 2 of this article;

6 (2) does not maintain during service on the board the
7 qualifications required by Section 2 of this article;

8 (3) violates a prohibition established by Section 5,
9 6, or 7 of this article;

10 (4) cannot discharge the member's duties for a
11 substantial part of the term for which the member is appointed
12 because of illness or disability; or

13 (5) is absent from more than half of the regularly
14 scheduled board meetings that the member is eligible to attend
15 during a calendar year unless the absence is excused by majority
16 vote of the board.

17 (b) The validity of an action of the board is not affected
18 by the fact that it is taken when a ground for removal of a board
19 member exists.

20 (c) If the executive director has knowledge that a potential
21 ground for removal exists, the executive director shall notify the
22 presiding officer of the board of the ground. The presiding
23 officer shall then notify the governor that a potential ground for
24 removal exists.

25 Sec. 9. STAFF. (a) The board shall employ an executive
26 director and administrative and clerical employees as necessary to
27 carry out the board's functions.

1 (b) The board shall develop and implement policies that
2 clearly define the respective responsibilities of the board and the
3 staff of the board.

4 Sec. 10. REGULATORY STATUTES ADMINISTERED. The board shall
5 administer and enforce:

6 (1) The Plumbing License Law (Article 6243-101,
7 Vernon's Texas Civil Statutes);

8 (2) the law regulating boilers, Chapter 755, Health
9 and Safety Code;

10 (3) the law regulating environmental performance
11 standards for plumbing fixtures, Chapter 372, Health and Safety
12 Code;

13 (4) the law regulating septic and sewage disposal
14 systems, Chapter 366, Health and Safety Code;

15 (5) the Air Conditioning and Refrigeration Contractor
16 License Law (Article 8861, Vernon's Texas Civil Statutes); and

17 (6) the law regulating irrigators, Chapter 34, Water
18 Code.

19 Sec. 11. SEPARATE LICENSES. (a) The board shall issue
20 separate licenses, certificates, permits, or registrations for the
21 programs under Section 10 of this article in which a license,
22 certificate, permit, or registration is issued by the board.

23 (b) The board may issue more than one type of license,
24 certificate, permit, or registration to a person under a law
25 regulated by the board if the person is qualified to hold each of
26 the licenses, certificates, permits, or registrations issued. The
27 board shall adopt rules relating to the issuance of multiple

1 licenses, certificates, permits, or registrations to a person under
2 laws administered by the board.

3 Sec. 12. EXPENDITURES; AUDIT. (a) The board may authorize,
4 from funds appropriated to it, all necessary disbursements to carry
5 out this article and the laws and programs listed in Section 10 of
6 this article.

7 (b) The financial transactions of the board are subject to
8 audit by the state auditor in accordance with Chapter 321,
9 Government Code.

10 Sec. 13. ANNUAL FINANCIAL REPORT. The board shall file
11 annually with the governor and the presiding officer of each house
12 of the legislature a complete and detailed written report
13 accounting for all funds received and disbursed by the board during
14 the preceding fiscal year. The annual report must be in the form
15 and reported in the time provided by the General Appropriations
16 Act.

17 Sec. 14. PERSONNEL POLICIES. (a) The executive director or
18 the executive director's designee shall develop an intra-agency
19 career ladder program. The program shall require intra-agency
20 posting of all nonentry level positions concurrently with any
21 public posting.

22 (b) The executive director or the executive director's
23 designee shall develop a system of annual performance evaluations
24 based on measurable job tasks. All merit pay for board employees
25 must be based on the system established under this subsection.

26 Sec. 15. EQUAL EMPLOYMENT OPPORTUNITY POLICIES. (a) The
27 executive director or the executive director's designee shall

1 prepare and maintain a written policy statement to assure
2 implementation of a program of equal employment opportunity under
3 which all personnel transactions are made without regard to race,
4 color, disability, sex, religion, age, or national origin. The
5 policy statement must include:

6 (1) personnel policies, including policies relating to
7 recruitment, evaluation, selection, application, training, and
8 promotion of personnel that are in compliance with Chapter 21,
9 Labor Code;

10 (2) a comprehensive analysis of the board workforce
11 that meets federal and state guidelines;

12 (3) procedures by which a determination can be made of
13 significant underuse in the board workforce of all persons for whom
14 federal or state guidelines encourage a more equitable balance; and

15 (4) reasonable methods to appropriately address those
16 areas of underuse.

17 (b) A policy statement prepared under Subsection (a) of this
18 section must cover an annual period, be updated annually, be
19 reviewed by the Commission on Human Rights for compliance with
20 Subsection (a)(1) of this section, and be filed with the governor's
21 office.

22 (c) The governor's office shall deliver a biennial report to
23 the legislature based on the information received under Subsection
24 (b) of this section. The report may be made separately or as part
25 of other biennial reports to the legislature.

26 Sec. 16. PUBLIC INTEREST INFORMATION. (a) The board shall
27 prepare information of public interest describing the functions of

1 the board and the board's procedures by which complaints are filed
2 with and resolved by the board. The board shall make the
3 information available to the public and appropriate state agencies.

4 (b) The board by rule shall establish methods by which
5 consumers and service recipients are notified of the name, mailing
6 address, and telephone number of the board for the purpose of
7 directing complaints to the board. The board may provide for that
8 notification:

9 (1) on each registration form, application, or written
10 contract for services of an individual or entity regulated by the
11 board;

12 (2) on a sign prominently displayed in the place of
13 business of each individual or entity regulated by the board; or

14 (3) in a bill for service provided by an individual or
15 entity regulated by the board.

16 (c) The board shall list along with its regular telephone
17 number the toll-free telephone number that may be called to present
18 a complaint about a health professional if the toll-free number is
19 established under other state law.

20 Sec. 17. PUBLIC PARTICIPATION IN BOARD HEARINGS. The board
21 shall develop and implement policies that provide the public with a
22 reasonable opportunity to appear before the board and to speak on
23 any issue under the jurisdiction of the board.

24 Sec. 18. PROGRAM ACCESSIBILITY. The board shall prepare and
25 maintain a written plan that describes how a person who does not
26 speak English can be provided reasonable access to the board's
27 programs. The board shall also comply with federal and state laws

1 for program and facility accessibility.

2 Sec. 19. TRAINING; STANDARDS OF CONDUCT INFORMATION. (a)
3 Each board member shall comply with the board member training
4 requirements established by any other state agency that is given
5 authority to establish the requirements for the board.

6 (b) The board shall provide to its members and employees, as
7 often as necessary, information regarding their qualifications for
8 office or employment under this article and their responsibilities
9 under applicable laws relating to standards of conduct for state
10 officers or employees.

11 Sec. 20. OPEN MEETINGS AND ADMINISTRATIVE PROCEDURE. The
12 board is subject to Chapters 551 and 2001, Government Code.

13 Sec. 21. SUNSET PROVISION. The Texas Board of Plumbing and
14 Mechanical Work is subject to Chapter 325, Government Code (Texas
15 Sunset Act). Unless continued in existence as provided by that
16 chapter, the board is abolished and the following laws expire
17 September 1, 2007:

18 (1) this article;

19 (2) The Plumbing License Law (Article 6243-101,
20 Vernon's Texas Civil Statutes);

21 (3) the law regulating boilers, Chapter 755, Health
22 and Safety Code;

23 (4) the law regulating environmental performance
24 standards for plumbing fixtures, Chapter 372, Health and Safety
25 Code;

26 (5) the law regulating septic and sewage disposal
27 systems, Chapter 366, Health and Safety Code;

1 (6) the Air Conditioning and Refrigeration Contractor
2 License Law (Article 8861, Vernon's Texas Civil Statutes); and
3 (7) the law regulating irrigators, Chapter 34, Water
4 Code.

5 Sec. 22. ADMINISTRATIVE PENALTIES. (a) The board may
6 assess an administrative penalty against a person who violates a
7 provision of this article, a law administered by the board, or a
8 rule or order adopted by the board as provided by this section.

9 (b) The penalty for each violation may be in an amount not
10 to exceed \$1,000. Each day a violation continues or occurs may be
11 considered a separate violation for purposes of penalty assessment.

12 (c) In determining the amount of the penalty, the board
13 shall consider:

14 (1) the seriousness of the violation, including the
15 nature, circumstances, extent, and gravity of the prohibited acts
16 and the hazard or potential hazard posed to the health or safety of
17 the public;

18 (2) the economic damage to property or the environment
19 caused by the violation;

20 (3) the history of previous violations;

21 (4) the amount necessary to deter future violations;

22 (5) efforts to correct the violation; and

23 (6) any other matter that justice may require.

24 (d) If, after investigation of a possible violation and the
25 facts surrounding that possible violation, the board determines
26 that a violation has occurred, the board may issue a violation
27 report stating the facts on which the conclusion that a violation

1 occurred is based, recommending that an administrative penalty
2 under this section be imposed on the person charged, and
3 recommending the amount of that proposed penalty. The board shall
4 base the recommended amount of the proposed penalty on the
5 seriousness of the violation determined by consideration of the
6 factors set forth in Subsection (c) of this section.

7 (e) Not later than the 14th day after the date on which the
8 report is issued, the board shall give written notice of the report
9 to the person charged. The notice shall include a brief summary of
10 the charges, a statement of the amount of the penalty recommended,
11 and a statement of the right of the person charged to a hearing on
12 the occurrence of the violation or the amount of the penalty, or
13 both the occurrence of the violation and the amount of the penalty.

14 (f) Not later than the 20th day after the date on which
15 notice is received, the person charged may accept the determination
16 of the board made under Subsection (d) of this section, including
17 the recommended penalty, or make a written request for a hearing on
18 the determination.

19 (g) If the person charged with the violation accepts the
20 determination of the board, the board shall issue an order
21 approving the determination and ordering the payment of the
22 recommended penalty.

23 (h) If the person charged requests a hearing or fails to
24 timely respond to the notice, the board shall set a hearing and
25 give notice of the hearing. The hearing shall be held by a hearing
26 examiner designated by the board. The hearing examiner shall make
27 findings of fact and conclusions of law and promptly issue to the

1 board a proposal for decision as to the occurrence of the
2 violation, including a recommendation as to the amount of the
3 proposed penalty if a penalty is warranted. Based on the findings
4 of fact, conclusions of law, and recommendations of the hearing
5 examiner, the board by order may find a violation has occurred and
6 may assess a penalty or may find that no violation has occurred.
7 All proceedings under this subsection are subject to Chapter 2001,
8 Government Code.

9 (i) The board shall give notice of the board's order to the
10 person charged. The notice shall include:

11 (1) the findings of fact and conclusions of law
12 separately stated;

13 (2) the amount of the penalty ordered, if any;

14 (3) a statement of the right of the person charged to
15 judicial review of the board's order, if any; and

16 (4) other information required by law.

17 (j) Within the 30-day period immediately following the day
18 on which the order becomes final as provided by Section 2001.144,
19 Government Code, the person charged with the penalty shall:

20 (1) pay the penalty in full; or

21 (2) if the person files a petition for judicial review
22 contesting either the amount of the penalty or the fact of the
23 violation or contesting both the fact of the violation and the
24 amount of the penalty:

25 (A) forward the amount to the board for
26 placement in an escrow account; or

27 (B) in lieu of payment into escrow, post with

1 the board a supersedeas bond in a form approved by the board for
2 the amount of the penalty, the bond to be effective until all
3 judicial review of the order or decision is final.

4 (k) If a person charged is financially unable to either
5 forward the amount of the penalty for placement in an escrow
6 account or post a supersedeas bond for the amount of the penalty,
7 the person may satisfy the requirements of Subsection (j)(2) of
8 this section by filing with the board an affidavit sworn by the
9 person charged, stating that the person is financially unable to
10 either forward the amount of the penalty or post a bond.

11 (l) Failure to forward the money to or to post the bond or
12 file the affidavit with the board within the time provided by
13 Subsection (j) of this section results in a waiver of all legal
14 rights to judicial review. Also, if the person charged fails to
15 pay the penalty in full as provided under Subsection (j)(1) of this
16 section or forward the money, post the bond, or file the affidavit
17 as provided by Subsection (j) or (k) of this section, the board may
18 forward the matter to the attorney general for enforcement.

19 (m) Judicial review of the order or decision of the board
20 assessing the penalty shall be under the substantial evidence rule
21 and shall be instituted by filing a petition with a district court
22 in Travis County, as provided by Subchapter G, Chapter 2001,
23 Government Code.

24 (n) If the penalty is reduced or not assessed by the court,
25 the board shall remit to the person charged the appropriate amount
26 plus accrued interest if the penalty has been paid or shall execute
27 a release of the bond if a supersedeas bond has been posted. The

1 accrued interest on amounts remitted by the board under this
2 subsection shall be paid at a rate equal to the rate charged on
3 loans to depository institutions by the New York Federal Reserve
4 Bank and shall be paid for the period beginning on the date the
5 penalty is paid to the board under Subsection (j) of this section
6 and ending on the date the penalty is remitted.

7 (o) A penalty collected under this section shall be
8 deposited in the state general revenue fund.

9 Sec. 23. COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT.
10 The board shall adopt rules that require:

11 (1) a municipality to assume responsibility for
12 compliance with the Americans with Disabilities Act of 1990 (42
13 U.S.C. Section 12101 et seq.) to the extent that Act applies to
14 plumbing and mechanical work regulated by the municipality; and

15 (2) the administration and enforcement of the laws and
16 programs regulated by the board to comply with the Americans with
17 Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

18 Sec. 24. EFFECT OF FEDERAL REGULATIONS. The board shall
19 adopt rules for a law or program regulated by the board as
20 necessary to comply with any federal regulation that imposes
21 standards or requirements on that law or program.

22 SECTION 2. The Plumbing License Law (Article 6243-101,
23 Vernon's Texas Civil Statutes) is amended by adding Section 1A to
24 read as follows:

25 Sec. 1A. FUNCTIONS TRANSFERRED; BOARD ABOLISHED. (a) This
26 Act is administered by the Texas Board of Plumbing and Mechanical
27 Work in accordance with Article 9150, Revised Statutes. To the

1 extent of a conflict between this Act and Article 9150, Revised
2 Statutes, that article prevails.

3 (b) Any reference in this Act to the Texas State Board of
4 Plumbing Examiners means the Texas Board of Plumbing and Mechanical
5 Work.

6 (c) The Texas State Board of Plumbing Examiners is abolished
7 and the functions of that board are exercised by the Texas Board of
8 Plumbing and Mechanical Work.

9 SECTION 3. The Air Conditioning and Refrigeration Contractor
10 License Law (Article 8861, Vernon's Texas Civil Statutes) is
11 amended by adding Section 1A to read as follows:

12 Sec. 1A. FUNCTIONS TRANSFERRED; ADVISORY BOARD ABOLISHED.

13 (a) This Act is administered by the Texas Board of Plumbing and
14 Mechanical Work in accordance with Article 9150, Revised Statutes.
15 To the extent of a conflict between this Act and Article 9150,
16 Revised Statutes, that article prevails.

17 (b) Any reference in this Act to the Texas Department of
18 Licensing and Regulation, the commissioner of licensing and
19 regulation, or the Air Conditioning and Refrigeration Contractors
20 Advisory Board means the Texas Board of Plumbing and Mechanical
21 Work.

22 (c) The Air Conditioning and Refrigeration Contractors
23 Advisory Board is abolished and the functions of that board and the
24 functions, under this Act, of the Texas Department of Licensing and
25 Regulation and the commissioner of licensing and regulation are
26 exercised by the Texas Board of Plumbing and Mechanical Work.

27 SECTION 4. Subchapter A, Chapter 366, Health and Safety

1 Code, is amended by adding Section 366.0015 to read as follows:

2 Sec. 366.0015. FUNCTIONS TRANSFERRED. (a) This chapter is
3 administered by the Texas Board of Plumbing and Mechanical Work in
4 accordance with Article 9150, Revised Statutes. To the extent of a
5 conflict between this chapter and Article 9150, Revised Statutes,
6 that article prevails.

7 (b) Any reference in this chapter to the Texas Natural
8 Resource Conservation Commission means the Texas Board of Plumbing
9 and Mechanical Work.

10 SECTION 5. Chapter 372, Health and Safety Code, is amended
11 by adding Section 372.0015 to read as follows:

12 Sec. 372.0015. FUNCTIONS TRANSFERRED. (a) This chapter is
13 administered by the Texas Board of Plumbing and Mechanical Work in
14 accordance with Article 9150, Revised Statutes. To the extent of a
15 conflict between this chapter and Article 9150, Revised Statutes,
16 that article prevails.

17 (b) Any reference in this chapter to the Texas Natural
18 Resource Conservation Commission means the Texas Board of Plumbing
19 and Mechanical Work.

20 SECTION 6. Subchapter A, Chapter 755, Health and Safety
21 Code, is amended by adding Section 755.002 to read as follows:

22 Sec. 755.002. FUNCTIONS TRANSFERRED; BOARD ABOLISHED. (a)
23 This chapter is administered by the Texas Board of Plumbing and
24 Mechanical Work in accordance with Article 9150, Revised Statutes.
25 To the extent of a conflict between this chapter and Article 9150,
26 Revised Statutes, that article prevails.

27 (b) Any reference in this chapter to the Texas Department of

1 Licensing and Regulation, the commissioner of licensing and
2 regulation, or the Board of Boiler Rules means the Texas Board of
3 Plumbing and Mechanical Work.

4 (c) The Board of Boiler Rules is abolished and the functions
5 of that board and the functions, under this chapter, of the Texas
6 Department of Licensing and Regulation and the commissioner of
7 licensing and regulation are exercised by the Texas Board of
8 Plumbing and Mechanical Work.

9 SECTION 7. Chapter 34, Water Code, is amended by adding
10 Section 34.0015 to read as follows:

11 Sec. 34.0015. FUNCTIONS TRANSFERRED; COUNCIL ABOLISHED. (a)
12 This chapter is administered by the Texas Board of Plumbing and
13 Mechanical Work in accordance with Article 9150, Revised Statutes.
14 To the extent of a conflict between this chapter and Article 9150,
15 Revised Statutes, that article prevails.

16 (b) Any reference in this chapter to the Texas Natural
17 Resource Conservation Commission or the Texas irrigators advisory
18 council means the Texas Board of Plumbing and Mechanical Work.

19 (c) The Texas irrigators advisory council is abolished and
20 the functions of that board and the functions, under this chapter,
21 of the Texas Natural Resource Conservation Commission are exercised
22 by the Texas Board of Plumbing and Mechanical Work.

23 SECTION 8. (a) As soon as possible after the effective date
24 of this Act, the governor shall appoint the initial members of the
25 Texas Board of Plumbing and Mechanical Work in accordance with
26 Article 9150, Revised Statutes, as added by this Act. In making
27 the initial appointments, the governor shall designate members to

1 serve terms as follows:

2 (1) one master plumber member, one sanitary engineer
3 member, one plumbing inspector member, one irrigator member, and
4 one public member serve for terms expiring February 1, 1997;

5 (2) one journeyman plumber member, one building
6 contractor member, one air conditioning and refrigeration
7 contractor member, one engineer member, and one public member serve
8 for terms expiring February 1, 1999; and

9 (3) one plumbing contractor member, one building
10 contractor member, one boiler owner or operator member, one
11 building official member, and one public member serve for terms
12 expiring February 1, 2001.

13 (b) The Texas Board of Plumbing and Mechanical Work may not
14 take any action and is not created until the day after the date the
15 last appointee to the initial board takes office. On the date of
16 its creation, the board assumes its functions and:

17 (1) the Air Conditioning and Refrigeration Contractors
18 Advisory Board, Texas State Board of Plumbing Examiners, Board of
19 Boiler Rules, and Texas irrigators advisory council are abolished;

20 (2) the obligations, rights, contracts, records and
21 other property, and personnel of, and unspent money appropriated to
22 or for, the abolished boards and council or the governing body for
23 the laws or programs transferred to the new board under this Act
24 are transferred to the Texas Board of Plumbing and Mechanical Work;

25 (3) the rules of the abolished boards and council or
26 the governing body for the laws or programs transferred to the new
27 board under this Act are continued in effect as rules of the Texas

1 Board of Plumbing and Mechanical Work until superseded by rule of
2 the new board;

3 (4) the licenses, certificates, permits, or
4 registrations in effect that were issued by the abolished boards or
5 council or the governing body for the laws or programs transferred
6 to the new board under this Act are continued in effect as
7 licenses, certificates, permits, or registrations of the Texas
8 Board of Plumbing and Mechanical Work;

9 (5) a complaint or investigation pending before the
10 abolished boards or council or the governing body for the laws or
11 programs transferred to the new board under this Act is transferred
12 without change in status to the Texas Board of Plumbing and
13 Mechanical Work;

14 (6) a contested case pending before the abolished
15 boards and council or the governing body for the laws or programs
16 transferred to the new board under this Act is transferred to the
17 Texas Board of Plumbing and Mechanical Work and actions taken in
18 the proceeding are treated as if taken by the Texas Board of
19 Plumbing and Mechanical Work; and

20 (7) any reference in a law to the abolished boards or
21 council means the Texas Board of Plumbing and Mechanical Work.

22 (c) Regardless of the changes in law made by this Act, until
23 the date that the Air Conditioning and Refrigeration Contractors
24 Advisory Board, Texas State Board of Plumbing Examiners, Board of
25 Boiler Rules, and Texas irrigators advisory council are abolished
26 as provided by this section, the boards and council continue in
27 existence and shall administer their functions under the law that

1 governed the boards and council before the effective date of this
2 Act, and the prior law is continued in effect for that purpose.

3 (d) The Texas Board of Plumbing and Mechanical Work shall
4 adopt rules under this Act not later than December 1, 1995.

5 SECTION 9. The following laws are repealed:

6 (1) Sections 4, 4a, 5A, 6, and 7, The Plumbing License
7 Law (Article 6243-101, Vernon's Texas Civil Statutes);

8 (2) Subchapter B, Chapter 755, Health and Safety Code;

9 (3) Section 3A, Air Conditioning and Refrigeration
10 Contractor License Law (Article 8861, Vernon's Texas Civil
11 Statutes); and

12 (4) Sections 34.003 and 34.011, Water Code.

13 SECTION 10. This Act takes effect September 1, 1995.

14 SECTION 11. The importance of this legislation and the
15 crowded condition of the calendars in both houses create an
16 emergency and an imperative public necessity that the
17 constitutional rule requiring bills to be read on three several
18 days in each house be suspended, and this rule is hereby suspended.

COAUTHOR AUTHORIZATION-74TH LEGISLATURE
(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

For chief clerk use only
Bill or Resolution Number: HB 1781

Ken Yarbrough
signature of primary author

Ken Yarbrough
printed name of primary author

2-28-95
Date

PERMISSION TO SIGN HB 1781 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

- ☒ ALL REPRESENTATIVES
- ☐ THE FOLLOWING REPRESENTATIVE(S): _____
- _____
- _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

<u>A2120 Alexander</u>	<u> </u> Date	<u>A2115 Allen</u>	<u> </u> Date	<u>A2125 Alonzo</u>	<u> </u> Date
<u>A2105 Alvarado</u>	<u> </u> Date	<u>A2135 Averitt</u>	<u> </u> Date	<u>A2160 Bailey</u>	<u> </u> Date
<u>A2200 Berlanga</u>	<u> </u> Date	<u>A2240 Black</u>	<u> </u> Date	<u>A2270 Bomer</u>	<u> </u> Date
<u>A2275 Bosse</u>	<u> </u> Date	<u>A2265 Brady</u>	<u> </u> Date	<u>A2260 Brimer</u>	<u> </u> Date
<u>A2405 Carona</u>	<u> </u> Date	<u>A2400 Carter</u>	<u> </u> Date	<u>A2480 Chisum</u>	<u> </u> Date
<u>A2530 Clemons</u>	<u> </u> Date	<u>A2435 Coleman</u>	<u> </u> Date	<u>A2575 Combs</u>	<u> </u> Date
<u>A2580 Conley</u>	<u> </u> Date	<u>A2570 Cook</u>	<u> </u> Date	<u>A2595 Corte</u>	<u> </u> Date
<u>A2600 Counts</u>	<u> </u> Date	<u>A2605 Crabb</u>	<u> </u> Date	<u>A2610 Craddick</u>	<u> </u> Date
<u>A2645 Cuellar, Henry</u>	<u> </u> Date	<u>A2646 Cuellar, Renato</u>	<u> </u> Date	<u>A2635 Culberson</u>	<u> </u> Date
<u>A2670 Danburg</u>	<u> </u> Date	<u>A2675 Davila</u>	<u> </u> Date	<u>A2625 Davis</u>	<u> </u> Date
<u>A2630 De La Garza</u>	<u> </u> Date	<u>A2685 Dear</u>	<u> </u> Date	<u>A2680 Delisi</u>	<u> </u> Date
<u>A3385 Denny</u>	<u> </u> Date	<u>A2705 Driver</u>	<u> </u> Date	<u>A2665 Dukes</u>	<u> </u> Date
<u>A2655 Duncan</u>	<u> </u> Date	<u>A2650 Dutton</u>	<u> </u> Date	<u>A2770 Edwards</u>	<u> </u> Date
<u>A2760 Ehrhardt</u>	<u> </u> Date	<u>A2775 Eiland</u>	<u> </u> Date	<u>A2785 Elkins</u>	<u> </u> Date
<u>A2810 Farrar</u>	<u> </u> Date	<u>A2830 Finnell</u>	<u> </u> Date	<u>A2920 Gallego</u>	<u> </u> Date
<u>A2935 Giddings</u>	<u> </u> Date	<u>A2880 Glaze</u>	<u> </u> Date	<u>A2985 Goodman</u>	<u> </u> Date
<u>A2990 Goolsby</u>	<u> </u> Date	<u>A3005 Gray</u>	<u> </u> Date	<u>A3010 Greenberg</u>	<u> </u> Date
<u>A3020 Grusendorf</u>	<u> </u> Date	<u>A3030 Gutierrez</u>	<u> </u> Date	<u>A3035 Haggerty</u>	<u> </u> Date
<u>A2695 Hamric</u>	<u> </u> Date	<u>A3120 Harris</u>	<u> </u> Date	<u>A3170 Hartnett</u>	<u> </u> Date
<u>A3345 Hawley</u>	<u> </u> Date	<u>A3180 Heflin</u>	<u> </u> Date	<u>A3230 Hernandez</u>	<u> </u> Date
<u>A3240 Hightower</u>	<u> </u> Date	<u>A3310 Hilbert</u>	<u> </u> Date	<u>A3250 Hilderbran</u>	<u> </u> Date

For chief clerk use only
Bill or Resolution Number:

HR1781

A3275 Hill	Date	A3285 Hirschi	Date	A3305 Hochberg	Date
A3295 Holzheanser	Date	A3300 Horn	Date	A3315 Howard	Date
A3350 Hudson	Date	A3355 Hunter, Bob	Date	A3365 Hunter, Todd	Date
A3380 Jackson	Date	A3415 Janek	Date	A3395 Johnson	Date
A3405 Jones, Delwin	Date	A3400 Jones, Jesse	Date	A3440 Junell	Date
A3460 Kamel	Date	A3465 King	Date	A3485 Krusee	Date
A3490 Kubiak	Date	A3450 Kuempel	Date	A3510 Laney	Date
A3605 Lewis, Glenn	Date	A3600 Lewis, Ron		A3615 Longoria	Date
A3620 Luna	Date	A3715 Madden	Date	A3750 Marchant	Date
A2700 Maxey	Date	A3665 McCall	Date	A3670 McCoulskey	Date
A3660 McDonald	Date	A3850 Moffat	Date	A3860 Moreno	Date
A3865 Mowery	Date	A3855 Munoz	Date	A3885 Naishtat	Date
A3895 Nixon	Date	A3875 Oakley	Date	A3990 Ogden	Date
A3880 Oliveira	Date	A4020 Park	Date	A4070 Patterson	Date
A4180 Pickett	Date	A4185 Pitts	Date	A4110 Place	Date
A4190 Price	Date	A4200 Puente	Date	A4230 Rabuck	Date
A4210 Ramsay	Date	A4240 Rangel	Date	A4235 Raymond	Date
A4236 Reyna	Date	A4260 Rhodes	Date	A4315 Rodriguez	Date
A4325 Romo	Date	A4305 Rusling	Date	A4370 Sadler	Date
A4380 Saunders	Date	A4425 Seidlits	Date	A4460 Serna	Date
A4435 Shields	Date	A4445 Siebert	Date	A4530 Smithee	Date
A4550 Solis	Date	A4505 Solomons	Date	A4510 Stiles	Date
A4570 Swinford	Date	A4585 Talton	Date	A4605 Telford	Date
A4630 Thompson	Date	A4635 Tillery	Date	A4640 Torres	Date
A2730 Turner, Bob	Date	A4685 Turner, Sylvester	Date	A4690 Uher	Date
A4720 Van de Putte	Date	A4990 Walker	Date	A4995 West	Date
A5010 Williamson	Date	A4970 Willis	Date	A5000 Wilson	Date
A5015 Wohlgemuth	Date	A4980 Wolens	Date	A5005 Woolley	Date
A5025 Yarbrough	Date	A5030 Yost	Date	A5040 Zbranek	Date

H.B. No. 1781

A BILL TO BE ENTITLED
AN ACT

By

Ken Garbrough

Relating to the operation of the Texas Board of Plumbing and Mechanical Work and the regulation of plumbing and mechanical laws and programs by that board; providing penalties.

FEB 28 1995

Filed with the Chief Clerk

MAR 2 1995

Read first time and referred to Committee on LICENSING AND ADMINISTRATIVE

Reported favorably (as amended)
(as substituted)

PROCEDURES

Sent to Committee on (Calendars)
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

Read third time, _____, and passed by (a viva voce vote)
(_____ yeas, _____ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)